

CHAPTER ONE—GENERAL PROVISIONS

Purpose

SC Statute – Section 20-7-2710.a. Purpose

The intent of this subarticle is to define the regulatory duties of government necessary to safeguard children in care in places other than their own homes, ensuring for them minimum levels of protection and supervision. Toward that end, it is the purpose of this subarticle to establish statewide minimum regulations for the care and protection of children in child care facilities, to ensure maintenance of these regulations and to approve administration and enforcement to regulate conditions in such facilities. It is the policy of the State to ensure protection of children under care in child care facilities, and to encourage the improvement of child care programs.

114-500 A.(1) The purpose of these regulations is to establish standards that protect the health, safety and well being of children receiving care in child care facilities, through the formulation, application and enforcement of these regulations.

Applicability

SC Statute 20-7-2700 a. & b.

For the purpose of this subarticle:

- a. “Childcare” means the care, supervision, or guidance of a child or children, unaccompanied by the parent, guardian, or custodian, on a regular basis, for periods of less than twenty-four hours per day, but more than four hours, in a place other than the child’s or the children’s own home or homes.

***POLICY:** If an owner or sponsor of a child care facility that provides care for the same children for more than four hours per day opens another child care facility in the same building or within close proximity to the existing facility, the combined hours of operation and the minimum age of the children will determine the need for a license or registration.*

***Close proximity is to be defined as:** (1) located at the same address, (2) located in a campus setting, (3) located in a building immediately adjacent to the existing facility, or (4) located in such a manner as to allow the sharing of any of the buildings’ resources, such as kitchens, restrooms, entries, or parking. (4/1/2008)*

- b. “Childcare facilities” means a facility which provides care, supervision, or guidance for a minor child who is not related by blood, marriage, or adoption to the owner or operator of the facility whether or not the facility is operated for profit and whether or not the facility makes a charge for services offered by it. This definition includes, but is not limited to, day nurseries, nursery schools,

childcare centers, group childcare homes, and family childcare homes. The term does not include:

- (1) an educational facility, whether private or public, which operates solely for educational purposes in grade one or above;**
- (2) five-year-old kindergarten programs;**
- (3) kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age.**
- (4) facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where the same children are cared for less than four hours a day and not on a regular basis as defined in this subarticle while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available; however, these facilities must meet local fire and sanitation requirements and maintain documentation on these requirements on file at the facility available for public inspection.**
- (5) school vacation or school holiday day camps for children operating in distinct sessions running less than three weeks per session unless the day camp permits children to enroll in successive sessions so that their total attendance may exceed three weeks;**
- (6) summer resident camps for children;**
- (7) Bible schools normally conducted during vacation periods;**
- (8) Facilities for the mentally retarded provided for in Chapter 21, Title 44;**
- (9) Facilities for the mentally ill as provided for in Chapter 17, Title 44;**
- (10) Childcare centers and group childcare homes owned and operated by a local church congregation or an established religious denomination or a religious college or university which does not receive state or federal financial assistance for childcare services; however, these facilities must comply with the provisions of Sections 20-7-2900 through 20-7-2975 and that these facilities voluntarily may elect to become licensed according to the process as set forth in Sections 20-7-2700 through 20-7-2780 and Sections 20-7-2980 through 20-7-3090.**

114-500 B. (1) These regulations apply to child care centers as defined in Section 114-501.A. (9) relating to definitions for profit and private child care centers.

114-500 B. (2) These regulations apply equally to profit, not for profit and private child care centers.

114-500 B. (3) These regulations do not apply to the following:

- (a) Educational facilities, whether private or public, which operate solely for educational purposes in grade one or above;
- (b) Five-year-old kindergarten programs;
- (c) Kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age;

POLICY: *Public schools operating for more than 4 hours a day and receiving children younger than lawful school age, upon their choice, may be given a license or approval. If facility receives First Steps funds, it must be regulated by the Department. (SEE LETTER DATED SEPTEMBER 1, 2001 IN RESOURCE MANUAL, SECTION 1.) (1/31/06)*

- (d) Facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where the same children are cared for less than four hours a day and not on a regular basis while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available; however, these facilities must meet local fire and sanitation requirements and maintain documentation of these requirements on file at the facility available for public inspection;

POLICY: *Immediate vicinity is defined as nearby and readily accessible. (8/21/07)*

- (e) School vacation or school holiday day camps for children operating in distinct sessions running less than three weeks per session, unless the day camp permits children to enroll in successive sessions so that their total attendance may exceed three consecutive weeks;

POLICY: *School vacation is defined as teacher work days or teacher in-service days and summer vacation. School holiday is defined as day(s) students do not attend school due to a state, federal, or religious holiday. (1/31/06)*

POLICY: *Due to fire safety and requirements of the SC Code of Laws, summer camps and after-school programs must have fire and DHEC documentation must be available on site which demonstrates compliance with health and safety statutes. Licensing staff shall recommend that operators of summer camps seek local zoning approval and provide technical assistance, if requested. (1/31/06)*

- (f) Summer resident camps for children;
- (g) Bible schools normally conducted during vacation periods;
- (h) Facilities for the mentally retarded provided in Chapter 21, Title 44, Code of Laws of South Carolina;
- (i) Facilities for the mentally ill as provided for in Chapter 17, Title 44, Code of Laws of South Carolina; and
- (j) Child care centers owned and operated by a local church congregation or an established religious denomination or a religious college or university which does not receive state or federal financial assistance for child care services; however, these facilities must comply with the provisions of Code of Laws of South Carolina; Sections 20-7-2900 through 20-7-2975 and that these facilities voluntarily may elect to become licensed according to the process as set forth in Code of Laws of South Carolina; Sections 20-7-2700 through 20-7-2780 and Sections 20-7-2980 through 20-7-3090.

- 114-500 C. Access to and within the center, and physical site accommodations and equipment, shall be provided for children with disabilities to meet their health and safety needs in accordance with applicable state and federal laws.

(SEE RESOURCE MANUAL SECTION 1 FOR FULL TEXT OF SC CODE OF LAWS, TITLE 20, CHAPTER 7, CHILDREN'S CODE, ARTICLE 13, ADMINISTRATIVE PROVISIONS OF CHILDREN'S SERVICE AGENCIES, SUBARTICLE 11, CHILD CARE FACILITIES.)